

OCT 18 2013



UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

MEMORANDUM FOR: The Record

FROM: Paul Piquado *PP*
Assistant Secretary for Enforcement and Compliance

SUBJECT: Deadlines Affected by the Shutdown of
the Federal Government

After careful consideration, Enforcement and Compliance (formerly, Import Administration), International Trade Administration, has determined that any delay and confusion caused by the closure of Enforcement and Compliance during the shutdown of the Federal Government from October 1-16, 2013, will best be minimized by uniformly tolling all Enforcement and Compliance deadlines for the duration of the recent closure (*i.e.*, 16 days).

The Antideficiency Act, 31 U.S.C. § 1341 *et seq.*, makes it illegal to operate a government agency absent budgetary authority from Congress. Accordingly, it was impossible for Enforcement and Compliance to operate during the shutdown. It was also impossible for Enforcement and Compliance to accelerate its proceedings by the number of days on which the agency was closed -- we simply lack the resources. Any such acceleration would also be unfair to the parties to our proceedings. For example, although respondents in antidumping (AD) and countervailing duty (CVD) proceedings could, in theory, be given only the original amount of time to submit questionnaire responses, they were unable to contact Enforcement and Compliance during the shutdown to obtain what might have been quite necessary clarifications regarding the questionnaire. This effectively could reduce the amount of time available in which to prepare a response. Enforcement and Compliance also was not able to consider requests for extensions of any deadlines during the shutdown.

Also, in theory, Enforcement and Compliance could meet certain deadlines and extend others. In reality, however, this is impracticable. The very process of sorting through the hundreds of deadlines and determining on a case-by-case basis which deadlines to extend would absorb a substantial amount of time, simply adding to the overall delay. Case-by-case determinations would also be impossible to predict with certainty, thereby leaving all parties to proceedings before Enforcement and Compliance uncertain as to the deadlines under which they were operating. The simple, universal rule we are adopting will permit all parties to our proceedings to know immediately what deadlines apply. This will minimize the overall disruption resulting from the closure of the agency.

For these reasons, Enforcement and Compliance is exercising its discretion to toll all deadlines for the duration of the recent Federal Government shutdown. Every deadline will be extended by 16 days (the duration of Enforcement and Compliance's closure). The day on which any submission to Enforcement and Compliance is due should be calculated under the regulations as usual (*see, e.g.*, 19 CFR 351.301), except with the addition of the number of shutdown days. This determination applies to every proceeding before Enforcement and Compliance, including proceedings relating to Foreign Trade Zones and any deadlines for



submitting comments not connected with a specific proceeding (e.g., requests for comments on proposed changes in methodology). It includes deadlines for actions by Enforcement and Compliance (such as preliminary and final determinations in investigations and administrative reviews in AD/CVD proceedings), as well as deadlines for actions by parties to our proceedings (such as the submission of AD/CVD questionnaire responses, supplemental questionnaire responses, pre- and post-hearing briefs, etc.). If the new deadline falls on a weekend or a Federal holiday, in accordance with our practice, the deadline will be moved to the next business day.